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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,089	11/14/2000	ALLEN D BAKER	10002104-1	3410

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EXAMINER

OSMAN, RAMY M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/713,089	BAKER, ALLEN D	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ramy M Osman	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 21-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |



## **DETAILED ACTION**

### ***Status of Claims***

1. This communication is responsive to the amendment filed on December 23, 2004. Claims 21-48 are pending.

### ***Response to Amendment***

2. Examiner acknowledges amendments filed on 12/23/2004, where applicant amended claims 21,22,31,32,33,35-39,41,43 and 44. Claim 34 was indicated as "currently amended" however applicant failed to amend the claim.

### ***Claim Objections***

3. Claim 21 objected to: On line 5 change "web pages" to "web page".
4. Claims 22 and 44 objected to because of the following informalities: Remove the phrase "from the client" on line 5 of the claims. The phrase is repeated twice.
5. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 21-48 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 21, applicant states: "providing a redirection webpage". This limitation is not clear because it fails to point out who is providing the redirection webpage, and to whom the webpage is provided to. It is not clear whether the providing is done by a single server (which can be a requested web server that hosts the webpage, or it can be a proxy server located between a requestor and a web server), or whether it is done by a plurality of servers. It is also not clear whether the redirection web page is provided to a client requestor or to another webpage. On lines 6-7 of claim 21, applicant states: "the indirect link being a link to a redirection web page for that other information webpage". This limitation is unclear because it does not state what the redirection webpage is doing. If the redirection webpage has functionality then it must be stated, otherwise the claim will be lacking essential elements and features rendering the claim incomplete.

Claims 22-48 inherit the deficiencies of claim 21 as indicated above.

8. Claim 22 rejected under 35 U.S.C. 112, second paragraph, as being indefinite. It has not been established as to who is receiving a request and who is determining. It is also unclear if the receiving entity of claim 22 is the same as the providing entity of claim 21.

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9. Claims 21,32 and 43 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are a request and a response. The preamble states “a method for supplying information”. However, the claims fail to detail any information being supplied. A webpage request is never sent, and a webpage response is never sent. Therefore, an information webpage is never supplied.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. **Claims 21,22,30,31,32,33,34,42,43 and 44 rejected under 35 U.S.C. 102(e) as being anticipated by Fell (US Patent No 6,826,624).**

12. In reference to claim 21 and 32, Fell teaches a method and a system for supplying information, comprising:

distributing a plurality of information web pages across a plurality of servers (column 1 lines 35-55 and column 5 lines 57);

providing a redirection web page for each information web page (column 3 lines 30-65);

wherein each information web page includes an indirect link to another information web page, the indirect link to an information web page being a link to a redirection web page for that other information web page. (column 6 lines 12-63).

13. In reference to claim 22 and 33, Fell teaches the method and system of claims 21 and 32 above, further comprising:

a first server presenting a first information web page of the plurality of information web pages to a client terminal; (column 4 lines 50-67)

receiving a request from the client terminal for a second information web page of the plurality of information web pages, the request corresponding to a selection of the indirect link included in the first information web page; (column 2 lines 1-25)

determining if a second server hosting the second information web page is operational; (column 2 lines 1-25 and column 3 lines 30-65) and

returning to the client terminal an instruction redirecting the client terminal to the second information web page if the second server is determined to be operational (column 2 lines 1-25 and column 3 lines 30-65).

14. In reference to claims 23 and 35, Fell teaches the method and system of claims 22 and 33, further comprising returning an error message to the client terminal if the second server is determined to be unavailable (column 5 lines 8-20 & 56-67 and column 7 lines 18-28).

15. In reference to claims 24 and 36, Fell teaches the method and system of claims 23 and 35, wherein returning an error message includes directing the client terminal to an error handling web page (column 5 lines 15-67).

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16. In reference to claims 25 and 37, Fell teaches the method and system of claims 24 and 36, wherein the error-handling web page includes an error message (column 5 lines 8-20 & 56-67 and column 7 lines 18-28).

17. In reference to claims 26 and 38, Fell teaches the method and system of claims 24 and 36, wherein the error-handling web page includes a redirection command (column 5 lines 15-67).

18. In reference to claims 27 and 39, Fell teaches the method and system of claims 22 and 34, wherein determining comprises maintaining a centralized status of each server and inspecting the centralized status to determine the availability of the second server (column 3 lines 30-65).

19. In reference to claim 28, Fell teaches the method of claim 27, wherein maintaining comprises periodically updating a status of each of the servers (column 3 lines 30-65).

20. In reference to claims 31 and 41, Fell teaches the method and system of claims 21 and 32, wherein providing a redirection web page for each information web page includes providing a central server to host the redirection web pages, the central server being the initial target for requests made for each information web page (column 4 lines 62-67).

21. In reference to claim 34, Fell teaches the system of claim 33, further comprising a centralized database storing a status of each of said servers; and wherein the central server is operable to access the centralized database to determine whether a selected one of the plurality of servers hosting information objects is operational (column 3 lines 30-65 and column 4 lines 62-67).

22. In reference to claim 43, Fell teaches a method of providing a website, comprising the steps of:

hosting a plurality of information web pages across a plurality of web servers (column 1 lines 35-55 and column 5 lines 57);

hosting a plurality of redirection web pages on a central web server (column 3 lines 30-65 and column 4 lines 62-67);

wherein each information web page includes an indirect link to another information web page, the indirect link to an information web page being a link to a redirection web page for that other information web page. (column 6 lines 12-63).

23. In reference to claim 44, Fell teaches the method of claims 43 above, further comprising:

a first server presenting a first information web page of the plurality of information web pages to a client terminal; (column 4 lines 50-67)

receiving a request from the client terminal for a second information web page of the plurality of information web pages, the request corresponding to a selection of the indirect link included in the first information web page; (column 2 lines 1-25)

determining if a second server hosting the second information web page is operational; (column 2 lines 1-25 and column 3 lines 30-65) and

returning to the client terminal an instruction redirecting the client terminal to the second information web page if the second server is determined to be operational (column 2 lines 1-25 and column 3 lines 30-65).

24. In reference to claim 45, Fell teaches the method of claim 44, further comprising returning an error message to the client terminal if the second server is determined to be unavailable (column 5 lines 8-20 & 56-67 and column 7 lines 18-28).



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25. In reference to claim 46, Fell teaches the method of claim 44, wherein determining comprises maintaining a centralized status of each server and inspecting the centralized status to determine the availability of the second server (column 3 lines 30-65).

26. In reference to claim 47, Fell teaches the method of claim 46, wherein maintaining comprises periodically updating a status of each of the servers (column 3 lines 30-65).

***Claim Rejections - 35 USC § 103***

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**28. Claims 23-29,35-41 and 45-48 rejected under 35 U.S.C. 103(a) as being unpatentable over Fell (US Patent No 5,933,596) in view of DeBettencourt (US Patent No 6,279,001).**

29. In reference to claims 27-29,39-41 and 46-48, Fell teaches checking server status (column 3 lines 30-65). Fell fails to explicitly teach wherein updating a status includes pinging the servers. However, DeBettencourt teaches maintaining server status through a manager and interceptor, and determining availability of servers for the purpose of server management (column 7 lines 13-20 and column 8 lines 27-50). DeBettencourt discloses wherein updating status includes pinging the servers (column 6 lines 14-43 and column 19 line 55 – column 20 line 25).

It would have been obvious for one of ordinary skill in the art to modify Fell wherein updating server status includes pinging the servers as per the teachings of DeBettencourt so that server status can be monitored for server managing purposes.

***Response to Arguments***

30. Applicant's arguments with respect to claims 21-48 have been considered but are moot in view of the new ground(s) of rejection.

31. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

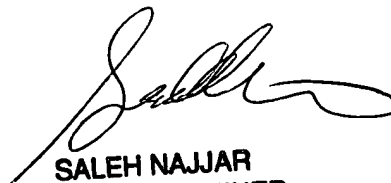
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO  
March 16, 2005



**SALEH NAJJAR**  
**PRIMARY EXAMINER**